

1 STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
2 JAYNE KIM, No. 174614  
CHIEF TRIAL COUNSEL  
3 JOSEPH R. CARLUCCI, No. 172309  
DEPUTY CHIEF TRIAL COUNSEL  
4 MELANIE J. LAWRENCE, No. 230102  
ASSISTANT CHIEF TRIAL COUNSEL  
5 ASHOD MOORADIAN, No. 194283  
DEPUTY TRIAL COUNSEL  
6 1149 South Hill Street  
Los Angeles, California 90015-2299  
7 Telephone: (213) 765-1004

**FILED**

**NOV - 6 2012**

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

**PUBLIC MATTER**

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

) Case No. 12-O-12214

14 HENRY MIN LEE,  
15 No. 156041,

) **NOTICE OF DISCIPLINARY CHARGES**

16 A Member of the State Bar.  
17

**NOTICE - FAILURE TO RESPOND!**

19 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**  
20 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**  
**THE STATE BAR COURT TRIAL:**

- 21 (1) **YOUR DEFAULT WILL BE ENTERED;**  
22 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
**WILL NOT BE PERMITTED TO PRACTICE LAW;**  
23 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**  
**THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**  
**AND THE DEFAULT IS SET ASIDE, AND;**  
24 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**  
25 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**  
26 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**  
27 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**  
28 **FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,**  
**RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

kwiktag®

152 143 612



1 The State Bar of California alleges:

2 JURISDICTION

3 1. HENRY MIN LEE ("Respondent") was admitted to the practice of law in the State of  
4 California on December 16, 1991, was a member at all times pertinent to these charges, and is  
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 12-O-12214  
8 Rules of Professional Conduct, rule 3-700(D)(1)  
[Failure to Release File]

9 2. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(1), by  
10 failing to release promptly, upon termination of employment, to the client, at the request of the  
11 client, all the client papers and property, as follows:

12 3. On or about September 11, 2008, Ok Song Chang ("Ms. Chang") entered into a  
13 contingency fee agreement ("retainer") with Respondent for representation in a claim for unpaid  
14 wages and damages against her former employer, A-Ju Tours, Inc. The retainer included terms  
15 that provided that Ms. Chang could terminate Respondent's services at any time and for any  
16 reason, effective upon receipt of written notice and that Respondent would release the client's  
17 file upon the client's request.

18 4. On or about November 5, 2008, Respondent filed a complaint on Ms. Chang's behalf  
19 in Los Angeles Superior Court, case number BC401329, entitled *Ok S. Chang vs. A-Ju Tours,*  
20 *Inc., et al.* ("A-Ju Tours case"). In this complaint, Respondent alleged a series of labor law  
21 violations related to unpaid wages and included one count for sexual discrimination.

22 5. In or about July 2010, Ms. Chang obtained a favorable verdict on all the labor law  
23 violations, but was denied on the sexual discrimination cause of action.

24 6. On or about May 24, 2011, Ms. Chang terminated Respondent's representation and  
25 requested the release of her file through a written notice delivered to Respondent by an  
26 authorized representative. Respondent received the written notice of termination and request for  
27 the release of Ms. Chang's file. Respondent refused to release Ms. Chang's file.

28 ///

7. On or about May 24, 2011, Ms. Chang personally requested that Respondent release her file. Respondent refused to release Ms. Chang's file.

8. On or about May 25, 2011, Ms. Chang personally left a message at Respondent's office again requesting that Respondent release her file. Respondent received Ms. Chang's message requesting the release of her file. Respondent refused to release Ms. Chang's file.

9. On or about May 26, 2011, Ms. Chang again requested that Respondent release her file through an authorized representative. Respondent was personally present in his office when the request for Ms. Chang's file was made, but he refused to release Ms. Chang's file.

10. On or about September 16, 2011, Respondent released Ms. Chang's file to Ms. Chang's new attorney, John Oh.

11. By failing to release Ms. Chang's file in the A-Ju Tours case for several months after Ms. Chang's termination of Respondent's representation and demand for the release of her file, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property.

COUNT TWO

Case No. 12-O-12214  
Rules of Professional Conduct, rule 3-510  
[Failure to Communicate a Settlement Offer]

12. Respondent wilfully violated Rules of Professional Conduct, rule 3-510, by failing to communicate promptly to a client all amounts, terms, and conditions of any written offer of settlement made to the client in all non-criminal matters, as follows:

**13. The allegations of Count One are incorporated herein by this reference.**

14. On or about March 28, 2011, the opposing counsel in the A-Ju Tours case made a written offer to pay Ms. Chang \$60,000.00 (payable in four installments of \$15,000.00) in full satisfaction of the judgment, including all claims for attorney's fees and costs ("\$60,000.00 settlement offer"). Respondent received the \$60,000.00 settlement offer.

**15. Respondent never communicated the \$60,000.00 settlement offer to Ms. Chang.**

///

///

16. By failing to communicate the \$60,000.00 settlement offer to Ms. Chang, Respondent failed to communicate promptly to a client all amounts, terms, and conditions of any written offer of settlement made to the client in all non-criminal matters.

COUNT THREE

Case No. 12-O-12214  
Business and Professions Code, section 6068(m)  
[Failure to Inform Client of Significant Development]

17. Respondent wilfully violated Business and Professions Code, section 6068(m), by failing to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, as follows:

18. The allegations of Counts One and Two are incorporated herein by this reference.

19. On or about February 7, 2011, the opposing counsel in the A-Ju Tours case sent an email to Respondent offering that both sides agree that they will not pursue collections of their respective judgments while appeal is pending (“February 7, 2011 offer”). Respondent received the February 7, 2011 offer, but did not communicate the February 7, 2011 offer to Ms. Chang.

20. On or about February 9, 2011, the opposing counsel in the A-Ju Tours case sent an email to Respondent requesting that Ms. Change agree to allow A-Ju Tours to waive appeal bond as permitted by Code of Civil Procedure section 995.230 upon the terms of February 7, 2011 email or upon any different terms ("February 9, 2011 request"). Respondent received the February 9, 2011 request, but did not communicate the February 9, 2011 request to Ms. Chang.

21. By failing to inform Ms. Chang of the February 7, 2011 offer and by failing to inform Ms. Chang of the February 9, 2011 request, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services.

COUNT FOUR

Case No. 12-O-12214  
Business and Professions Code, section 6106  
[Moral Turpitude – Misrepresentation to State Bar]

22. Respondent wilfully violated Business and Professions Code, section 6106, by committing an act involving moral turpitude, dishonesty or corruption, as follows:

1           23. The allegations of Counts One, Two and Three are incorporated herein by this  
2 reference.

3           24. On or about June 7, 2011, the State Bar of California opened an investigation into a  
4 complaint submitted by Ms. Chang against Respondent.

5           25. On or about April 9, 2012, a State Bar Investigator sent Respondent a letter  
6 requesting a written response to specified allegations including that the opposing counsel in the  
7 A-Ju Tours case had conveyed a written settlement offer to Respondent that Respondent did not  
8 communicate to Ms. Chang.

9           26. On or about May 4, 2012, Respondent sent a written response to the State Bar's April  
10 9, 2012 letter stating that the: "Defendant [in the A-Ju Tours case] never communicated any  
11 settlement offers before or after the filing of this [February 9, 2011 Notice of] appeal." Further,  
12 in this same written response, Respondent stated: "Again, there were no offers of settlement  
13 before or after the filing of this [May 4, 2011] appeal, and no discussion about paying monies to  
14 Ms. Chang."

15           27. Each of these statements was false. At the time Respondent made these statements to  
16 the State Bar, Respondent knew or was grossly negligent in not knowing that a settlement offer  
17 had been made by opposing counsel in the A-Ju Tours case to Ms. Chang.

18           28. By making false statements to a State Bar investigator during the course of an  
19 investigation, Respondent committed an act involving moral turpitude, dishonesty or corruption.

20                           **NOTICE - INACTIVE ENROLLMENT!**

21           **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**  
22           **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**  
23           **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**  
24           **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**  
25           **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**  
26           **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**  
27           **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**  
28           **RECOMMENDED BY THE COURT.**

26    ///

27    ///

28    ///

1 **NOTICE - COST ASSESSMENT!**

2 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC**  
3 **DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**  
4 **INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING**  
5 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**  
6 **PROFESSIONS CODE SECTION 6086.10.**

7 Respectfully submitted,

8 THE STATE BAR OF CALIFORNIA  
9 OFFICE OF THE CHIEF TRIAL COUNSEL

10 DATED: November 5, 2012

11 By: 

12 ASHOD MOORADIAN  
13 Deputy Trial Counsel  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1                   **DECLARATION OF SERVICE BY UNITED STATES POSTAL SERVICE**  
2                   **CERTIFIED MAIL**

3                   **CASE NUMBER: 12-O-12214**

4                   I, the undersigned, over the age of eighteen (18) years, whose business address and place  
5                   of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California  
6                   90015, declare that I am not a party to the within action; that I am readily familiar with the State  
7                   Bar of California's practice for collection and processing of correspondence for mailing with the  
8                   United States Postal Service; that in the ordinary course of the State Bar of California's practice,  
9                   correspondence collected and processed by the State Bar of California would be deposited with  
10                  the United States Postal Service that same day; that I am aware that on motion of party served,  
11                  service is presumed invalid if postal cancellation date or postage meter date on the envelope or  
12                  package is more than one day after date of deposit for mailing contained in the affidavit; and that  
13                  in accordance with the practice of the State Bar of California for collection and processing of  
14                  mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on  
15                  the date shown below, a true copy of the within

16                   **NOTICE OF DISCIPLINARY CHARGES**

17                  in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,  
18                  Article No.: 7160 3901 9848 3337 0404, at Los Angeles, on the date shown below, addressed to:

19                   **Henry M. Lee**  
20                   **Henry M. Lee, Law Corporation**  
21                   **3530 Wilshire Blvd., Suite 1710**  
22                   **Los Angeles, CA 90010**

23                  I declare under penalty of perjury under the laws of the State of California that the  
24                  foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

25                  DATED: November 6, 2012

26                  Signed: \_\_\_\_\_

27                   Paula Heider  
28                   Declarant